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APPLICATION N	D	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/700,061		11/04/2003	Gian Andrea Giovanardi	25808	3094	
20529	7590	12/16/2004		EXAMINER		
NATH & 1030 15th				ASHLEY, BOYER DOLINGER		
6TH FLO		, 14 44		ART UNIT	PAPER NUMBER	
WASHIN	GTON, D	OC 20005		3724		
				DATE MAILED: 12/16/2004	4	

Please find below and/or attached an Office communication concerning this application or proceeding.

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	Application No.	Applicant(s)	
Office Action Occurrence	10/700,061	GIAN ANDREA GIOVANAR	≀DI
Office Action Summary	Examiner	Art Unit	
	Boyer D. Ashley	3724	
The MAILING DATE of this communicati Period for Reply	on appears on the cover sheet wit	h the correspondence address	
A SHORTENED STATUTORY PERIOD FOR THE MAILING DATE OF THIS COMMUNICAT  - Extensions of time may be available under the provisions of 37 after SIX (6) MONTHS from the mailing date of this communica  - If the period for reply specified above is less than thirty (30) day  - If NO period for reply is specified above, the maximum statutory  - Failure to reply within the set or extended period for reply will, be Any reply received by the Office later than three months after the earned patent term adjustment. See 37 CFR 1.704(b).	FION.  CFR 1.136(a). In no event, however, may a re tion.  Is, a reply within the statutory minimum of thirty period will apply and will expire SIX (6) MONT by statute, cause the application to become ABA	ply be timely filed (30) days will be considered timely. HS from the mailing date of this communication	ฑ.
Status			
1) Responsive to communication(s) filed or	1 .		
_	 ☑ This action is non-final.		
3) Since this application is in condition for a closed in accordance with the practice u	( ) '	•	s
Disposition of Claims			
4) ☑ Claim(s) 1-9 is/are pending in the application 4a) Of the above claim(s) is/are w 5) ☐ Claim(s) is/are allowed. 6) ☑ Claim(s) 1,3-7,9 and 10 is/are rejected. 7) ☑ Claim(s) 2 and 8 is/are objected to. 8) ☐ Claim(s) are subject to restriction	ithdrawn from consideration.		
Application Papers			
9)☐ The specification is objected to by the Ex	aminer.		
10) The drawing(s) filed on is/are: a)	$\square$ accepted or b) $\square$ objected to b	y the Examiner.	
Applicant may not request that any objection			
Replacement drawing sheet(s) including the 11) The oath or declaration is objected to by	•	·	d).
Priority under 35 U.S.C. § 119			
12) Acknowledgment is made of a claim for for a) All b) Some * c) None of:  1. Certified copies of the priority docu 2. Certified copies of the priority docu 3. Copies of the certified copies of the application from the International is * See the attached detailed Office action for	uments have been received. uments have been received in Ap e priority documents have been i Bureau (PCT Rule 17.2(a)).	oplication No received in this National Stage	,
Attachment(s)			
Notice of References Cited (PTO-892)	4) Interview Su	ımmary (PTO-413) /Mail Date	
<ul> <li>Notice of Draftsperson's Patent Drawing Review (PTO-9)</li> <li>Information Disclosure Statement(s) (PTO-1449 or PTO/Paper No(s)/Mail Date</li> </ul>		ormal Patent Application (PTO-152)	

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**DETAILED ACTION** 

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which

papers have been placed of record in the file.

Specification

2. The abstract of the disclosure is objected to because it is in claim format.

Correction is required. See MPEP § 608.01(b).

**Drawings** 

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show

every feature of the invention specified in the claims. Therefore, the "drive shaft" (claim

1) must be shown or the feature(s) canceled from the claim(s). No new matter should

be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in

reply to the Office action to avoid abandonment of the application. Any amended

replacement drawing sheet should include all of the figures appearing on the immediate

prior version of the sheet, even if only one figure is being amended. The figure or figure

number of an amended drawing should not be labeled as "amended." If a drawing figure

is to be canceled, the appropriate figure must be removed from the replacement sheet,

and where necessary, the remaining figures must be renumbered and appropriate

changes made to the brief description of the several views of the drawings for

consistency. Additional replacement sheets may be necessary to show the renumbering

of the remaining figures. The replacement sheet(s) should be labeled "Replacement

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Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 1 and 9, the use of multiple transitional phrases on lines 1 and 16 is confusing, in that, it is not clear where the preamble of the claim ends and the body of the claim begins. Is applicant attempting to use a Jepson type claim?

In claim 1, there is no positive antecedent basis for "the casing".

In claim 7, it is not clear which "casing" is being referred to.

In claim 8, the use of the expression "in particular" is indefinite, in that, a broad range or limitation followed by linking terms (e.g., preferably, maybe, for instance, especially) and a narrow range or limitation within the broad range or limitation is considered indefinite since the resulting claim does not clearly set forth the metes and bounds of the patent protection desired.

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## Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1, 3-7, and 9-10, are rejected under 35 U.S.C. 102(b) as being anticipated by Warashian et al., U.S. Patent Application Publication 2002/0116828.

Warashian et al. discloses the same invention as claimed including, for example, a motor (13); a tool head (62); a tubular arm (11) fitted at a first axial end (41) to the casing, and supporting the head at a second axial end (67); a propeller shaft (12) housed inside said arm and angularly integral with a drive shaft (34) of the motor; a bevel gear pair (64/63) housed inside said head and defined by a first hub (61) coaxial with the propeller shaft, and having a first bevel gear (63), and by a second hub (on the left in Figure 3) having a second bevel gear (64) meshing with the first bevel gear; a tool shaft (65) angularly integral with the second hub; a first adapter (26) for making said first hub and said propeller shaft angularly integral (see Figure 3).

As to claim 3, Warashian et al. disclose the use of second adapter (40) for attaching the first tubular portion to the second axial end of the tubular arm.

#### Allowable Subject Matter

8. Claims 2 and 8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The prior art references were cited to show similar devices.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Boyer D. Ashley whose telephone number is 571-272-4502. The examiner can normally be reached on Monday-Thursday 7:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on 571-272-4514. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Boyer D. Ashley Primary Examiner Art Unit 3724

BDA December 13, 2004